

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

ROBERT CROFTCHECK, individually and : CIVIL ACTION  
on behalf of all others  
similarly situated,

Plaintiffs, : CASE NO.

vs

UNITED COLLECTION BUREAU, INC.

Defendant. :

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**COMPLAINT**

**PRELIMINARY STATEMENT**

This action is instituted in accordance with and to remedy Defendant's violations of the Federal Fair Debt Collections Practices Act, 15 U.S.C. Sections 1692 et seq. (hereinafter "FDCPA"). Plaintiff brings this action both individually on his own behalf and as a class action on behalf of all other persons similarly situated, to recover damages for himself and to enjoin Defendant's unlawful conduct as it affects all other consumers residing within the United States.

The Fair Debt Collection Practices Act 15 U.S.C.S. § 1692 et seq., regulates and restricts the acquisition of information about debtors. 15 U.S.C.S. §§ 1692b, 1692c. It further prohibits conduct whose natural consequence is to harass, oppress, or abuse any person in connection with the collection of a debt. 15 U.S.C.S. § 1692d. And it bars the use of any false, deceptive, or misleading representation or means in connection with the collection of any debt, 15 U.S.C.S. § 1692e, while proscribing unfair or unconscionable means to collect or attempt to collect any debt. 15 U.S.C.S. § 1692f.

Defendant violates the FDCPA if they fail to convey information required by FDCPA; even if Defendant conveys required information, they nonetheless violate FDCPA when they convey that information in confusing or contradictory fashion so as to cloud the required message with uncertainty.

This action seeks redress for the illegal practices of Defendant, concerning the collection of debt, in violation of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, et. seq. ("FDCPA").

Defendant's mistreatment of Plaintiff was in fact indiscriminate, occurring in the regular course of their debt collection business whereby Plaintiff was treated in the same general manner as it treats other consumers who are the objects of its collection efforts.

Plaintiff therefore seeks hereby to recover actual, statutory, treble, and punitive damages on behalf of himself individually, as well as declaratory and equitable relief on behalf of the class which he seeks to represent, together with reasonable attorneys' fees and costs.

### **JURISDICTION**

1. Jurisdiction of this Court attains pursuant to the FDCPA, 15 U.S.C. § 1692k(d), and the doctrine of pendent jurisdiction.

### **PARTIES**

2. Plaintiff, Robert Croftcheck, is a natural person who resides in New Cumberland, Pennsylvania, and is a "consumer" as defined by 15 U.S.C. § 1692a(3).

3. Defendant, United Collections Bureau, Inc., is believed to be an Ohio Corporation, the principal purpose of whose business is the collection of debts, operating a debt collection agency from its principal place of business at 622 Adams Street, Toledo, Ohio 43604,

regularly collects or attempts to collect debts owed or due or asserted to be owed or due another, and is a "debt collector" as defined by 15 U.S.C. § 1692a(6).

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### FACTUAL ALLEGATIONS

4. Defendant began to contact Plaintiff on or about August 9, 2009 with regard to an alleged consumer debt, namely a Citi MasterCard.

5. Plaintiff received a collection notice from Defendant dated August 12, 2009 in a window envelope which indicated that the communication was in connection to debt collection. Appended hereto and marked "**EXHIBIT A**" is a copy of the notice and envelope.

6. The window of the envelope marked "**EXHIBIT A**" also exposed the words "Unless you dispute the validity of this debt or any portion..."

7. Subsequently, Plaintiff received a collection notice from Defendant dated October 23, 2009 in a window envelope which indicated that the communication was in connection to debt collection. Appended hereto and marked "**EXHIBIT B**" is a copy of the notice and envelope.

8. The window of the envelope marked "**EXHIBIT B**" also exposed the words "Unless you dispute the validity of this debt or any portion..."

9. The envelopes used by Defendant to distribute its collection notices violate the FDCPA in that they blatantly indicate that the communication concerns debt collection.

10. Defendant violated Plaintiff's right to privacy and caused undue embarrassment to the Plaintiff.

11. Defendant's conduct was harassing and abusive toward Plaintiff.

12. Further, the collection notices sent by Defendant are indicative of the usual course of business for Defendant.



13. As a result of the foregoing prohibited acts of Defendant, and in order to punish them for outrageous and unlawful conduct as well as to deter it from committing similar acts in the future as part of its debt collection efforts, Plaintiff is entitled to recover punitive damages in an amount to be proven at trial.

### **CLASS ACTION**

14. This action is maintained as a class action on behalf of the following described class: all consumers residing in the United States who, commencing one year before the date of filing of this *Complaint*, have been or will be the objects of Defendant's unlawful debt collection efforts.

15. This action is appropriately maintained as a class action as the class is so numerous that joinder of all members is impracticable, there are questions of law or fact common to the class, the claims of the representative party are typical of the claims of the class, and the representative party will fairly and adequately protect the interests of the class; in addition, Defendants have acted or refused to act on grounds generally applicable to the class, thereby making appropriate final injunctive relief or corresponding declaratory relief with respect to the class as a whole.

16. Unless Defendant is enjoined and restrained from continuing the foregoing illegal practices, Plaintiff and the class whom he represents will suffer substantial and irreparable injury for which they have no adequate remedy at law.

**CAUSES OF ACTION**

**COUNT I**  
**VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT**  
**PLAINTIFF V. DEFENDANT**

17. The foregoing paragraphs 1 through 16 are incorporated herein as if more fully set forth hereafter.

18. The foregoing acts and omissions of Defendant constitute violations of the FDCPA, including, but not limited to:

- a. §1692b(2) Defendant made it clear to third parties that Plaintiff owed a debt;
- b. §1692b(5) Defendant used language on an envelope or communication indicating debt collection;
- c. §1692d Defendant used conduct the natural consequence of which is to harass or abuse the Plaintiff;
- d. §1692f Defendant used unfair and unconscionable means to collect a debt;
- e. §1692f(8) Defendant used language on an envelope or communication indicating debt collection.

19. Plaintiff is entitled to recover actual damages, statutory damages, reasonable attorney's fees, and costs.

**JURY DEMAND**

Plaintiff hereby demands trial by jury on all issues so triable.

WHEREFORE, Plaintiff prays that this Honorable Court grant the following relief:

- a. Enter an order certifying this action as a class action.
- b. Enter injunctive and corresponding declaratory relief establishing the foregoing conduct of Defendant to be unlawful, enjoining Defendant from continuing to engage

in said conduct, and granting such additional equitable relief as may be appropriate, including ordering Defendant to disgorge itself of all ill-gotten and illegal sums which it has collected as a result of its unlawful conduct.

- c. Award actual damages.
- b. Award punitive damages.
- e. Award statutory damages.
- f. Award treble damages.
- g. Award reasonable attorney's fees.
- h. Award costs.
- i. Grant such other and further relief as it deems just and proper.

**Respectfully submitted,**

**WARREN & VULLINGS, LLP**

**Date: November 20, 2009**

**BY: /s/ Brent F. Vullings**

Brent F. Vullings, Esquire

Warren & Vullings, LLP

1603 Rhawn Street

Philadelphia, PA 19111

215-745-9800 Fax 215-745-7880

Attorney for Plaintiff

# **EXHIBIT “A”**

UNITED COLLECTION BUREAU, INC.  
5620 SOUTHWYCK BLVD SUITE 206  
TOLEDO OH 43614

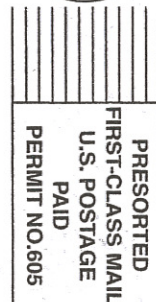
ROBERT A CROFTCHECK  
805 2ND ST  
NEW CUMBERLAND PA 17070-2010

Unless you dispute the validity of this debt or any portion thereof

Re: CITY



08\*13\*09





# **EXHIBIT “B”**

UNITED COLLECTION BUREAU, INC.  
5620 SOUTHWYCK BLVD SUITE 206  
TOLEDO OH 43614

ROBERT A CROFTCHECK  
805 2ND ST  
NEW CUMBERLAND PA 17070-2010

Unless you dispute the validity of this debt or any portion thereof  
or call our office for more information



10-26-09

